

ORDINANCE NO. 990

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LODI BY ADDING A NEW CHAPTER TO SAID CODE, CONCERNING THE CONSTRUCTION, RECONSTRUCTION AND DESTRUCTION OF WATER WELLS, CATHODIC PROTECTION WELLS, AND INSTALLATION OF PUMPS IN THE CITY OF LODI; PROVIDING FOR THE ISSUANCE OF PERMITS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

The City Council of the City of Lodi does ordain as follows:

GENERAL PROVISIONS

Section 1 - PURPOSE AND DECLARATION OF INTENT:

The City Council of the City of Lodi declares that the people of the City of Lodi have an inalienable right to demand the protection of the ground waters and that the City Council has the responsibility to protect these waters for the enjoyment, health, safety and welfare of the people. The City Council further declares that the people of the City of Lodi have a primary interest in the location, construction, maintenance, and destruction of water wells, cathodic protection wells, test wells and geophysical wells that directly affect the quality and potability of underground waters.

Section 2 - DEFINITIONS. As used in this Chapter:

- (a) Abandoned Well is any well whose original purpose and use has been permanently discontinued or which is in such a state of disrepair that it cannot be used for its original purpose.
- (b) Agricultural Well is any water well used to supply water for irrigation, livestock operation or other agricultural purposes not including any uses of domestic water.
- (c) Air Conditioning Wells are wells constructed to return to the ground, in a closed system, well water which has been used as a coolant in air conditioning processes.

- (d) Board of Trustees means the Board of Trustees of the San Joaquin Local Health District.
- (e) A Cathodic Protection Well means any artificial excavation in excess of fifty (50) feet deep constructed by any means for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground (commonly referred to as cathodic protection).
- (f) City means the City of Lodi.
- (g) Contamination means an impairment of the quality of the waters by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the City are affected.
- (h) Destruction of Well means to restore as nearly as practicable those conditions which existed prior to the construction of the well.
- (i) Disposal Well means a hole dug, bored, or drilled into any known aquifers in which are deposited matters ~~or~~ substances, which, by reason of temperature or content, may be deleterious to ground water.
- (j) District Health Officer means the Health Officer of the San Joaquin Local Health District ~~or~~ his authorized representative.
- (k) Geophysical Well means a well used for testing or logging strata or to obtain data from the underground.

- (l) Health District means the San Joaquin Local Health District.
- (m) Individual Domestic Water Well is any water well used to supply water for domestic needs of an individual residence or duplex.
- (n) Industrial Well is any water well used to supply industry on an individual basis.
- (o) Injection or Recharge Well is any well constructed to introduce water into the underground as a means of replenishing ground water basins.
- (p) Person means any natural person, individual, firm, partnership, company, corporation, association, joint venture, joint stock company, organization, club, company, business trust, lessee, agent, servant, officer, employee, unincorporated association or representative of same.
- (q) Pollution means an alteration of the quality of the waters by waste to a degree which unreasonably affects: (1) the value of such water for beneficial uses, or (2) facilities which serve such beneficial uses. POLLUTION may include CONTAMINATION.
- (r) Public Domestic Water Supply Well means any water well used to supply domestic water to more than one (1) individual parcel of property or any water supply which services any premise which contains a temporary or permanent resort, hotel, apartment house, triplex, motel, institution, labor camp, trailer park, gas station, cafe, school, subdivision or any commercial establishment.

- (s) Pump Contractor means any person or company licensed by the State Contractors License Law, as provided in Division 3, Chapter 9, of the Business and Professions Code, to install, service or repair a pump.
- (t) Recharge Well (See Injection Well).
- (u) Sanitary Hazards are Inadequacies, actual or potential, which may permit the entrance of pollutants, contaminants, or pathogenic organisms into the water, thereby impairing the water quality or rendering it injurious to public health.
- (v) Seal, Annular is the cement grout between the conductor casing or bore and the casing.
- (w) Seal, Sanitary is a grout, mastic or mechanical device used to make a water tight joint between the pump and casing or the concrete base.
- (x) Seal, Surface is a monolithically poured concrete platform constructed around the top of the well casing on thoroughly compacted earth.
- (y) Test Well (See Geophysical Well).
- (z) Waters of the City means any water, surface or underground, including saline waters, within the boundaries of the City.
- (aa) Water Quality is a term used to describe the chemical, physical, and biological characteristics of water in respect to its suitability for a particular purpose. The same water may be of good quality for one purpose or use, and bad or poor for another, depending upon its characteristics and the requirements for the particular use.
- (ab) Well Contractor means any person or company licensed by the State Contractors License Law, as provided in

Division 3, Chapter 9, of the Business and Professions Code.

- (ac) Well Pit is an excavation in which the well head or top of well casing is installed below the ground surface.
- (ad) Well or Water Well means any artificial excavation constructed by any method for the purpose of extracting **or** recharging ground water **or** testing or logging of stratum to obtain data from the underground. This definition shall not include:
 - a) oil and gas wells, **or** geothermal wells constructed under jurisdiction of the Department of Conservation, State of California, except those wells converted to use as water wells; b) wells used for the purpose of (1) dewatering excavation during construction, **or** (2) stabilizing hillsides **or** earth embankments.

Section 3 - APPLICABLE TERRITORY:

This Part shall apply to all territory lying within the existing limits of the City of Lodi as the same now exist **or** may be extended in the future.

Section 4 - SPECIAL REQUIREMENT AREAS:

In all areas of City where **poor** quality water could infiltrate good quality ground water due to well construction, special requirements will be set to protect the good quality water.

PERMITS

Section 5 - PERMIT REQUIRED:

No person, as principal, servant, agent **or** employee, shall dig, drill, bore, drive, repair or destroy any well **or** shall repair, replace, install or seal a pump for use on any well, whether the well is to be used

for domestic, irrigation, testing, geophysical, or cathodic protection or other purposes, without having a valid unrevoked or suspended permit to do so from the District Health Officer. The permit shall be valid for one (1) year from date of issue. No property owner shall be denied the right to install a well or pump on his property, if work is accomplished in accordance with this Chapter. No permit is necessary to replace or repair equipment if the sanitary seal is not broken. A fee may be charged for issuing a permit as determined by the City Council after a public hearing.

Section 6 - APPLICATION TO DISTRICT HEALTH OFFICER:

Every person proposing to dig, drill, bore, drive, repair, deepen or destroy any well shall, before commencing the work, apply to the District Health Officer for approval of the well site and method of installation or destruction, and for a permit to do the work. Such application, shall be on forms furnished by the District Health Officer and contain such information as the District Health Officer may require. Said application is to be submitted at least forty-eight (48) hours prior to the proposed commencement of work on said permit application, as prescribed in the rules and regulations adopted pursuant to this Chapter.

Section 7 - COMPLIANCE:

The Applicant applying for a permit for the construction, repair or destruction of the well shall assume the responsibility of complying with all requirements of said permit and this Chapter, including such rules and regulations as may be adopted pursuant to this Chapter.

Section 8 - PERMITS

Permits shall be granted to any owner or his authorized representative and to those persons having a valid City Business License and a license from the State Contractor's License Board as a well or pump contractor.

Section 9 - EMERGENCY REPAIRS:

In the event of an emergency, as evidenced by lack of water, repairs may proceed without a permit. Emergency repairs include the construction of a new well, or the repair, deepening or replacement of a well or pump. All work done under emergency conditions shall comply with the rules and regulations adopted pursuant to this Chapter. In all such cases, the owner or contractor must file a statement that this was an emergency repair and the reason for the repair. Application for emergency repairs must be made within forty-eight (48) hours after such repairs are begun, excluding weekends and holidays.

Section 10 - SPECIAL PERMITS:

The District Health Officer may grant Special Permits for limited periods of time when, in his opinion, the application of this Chapter or the rules and regulations adopted pursuant to this Chapter would be impracticable or unnecessary. In issuing such Special Permits, the District Health Officer may prescribe such conditions as in his judgment will be necessary to protect the public health.

Section 11 - WELL DRILLERS REPORT:

Upon completion of a well, the applicant or the Licensed Contractor, shall file a copy of a Well Drillers Report with the Health District. These report forms will be furnished by the District Health Officer.

Section 12 - WELL PITS:

The construction, use or installation of well pits shall not be permitted, except under unusual circumstances as determined by the District Health Officer.

WELL DRILLING REQUIREMENTS

Section 13 - SANITARY SEAL:

All wells shall have a sanitary seal.

Section 14 - CONCRETE PLATFORM OR SLAB REQUIRED:

All wells, except cathodic protection wells, shall have a concrete platform or slab constructed to prevent the entrance of surface water from any source into the well or the underground water source.

Section 15 - DISINFECTION:

After the construction or repair individual domestic or public domestic water wells and prior to the use of said wells, the wells and all appurtenances thereto shall be adequately disinfected.

Section 16 - GROUT SEAL ON INDIVIDUAL OR PUBLIC DOMESTIC WATER SUPPLY WELLS:

Public domestic water supply and individual domestic wells shall have a grout seal in the annular space.

Section 17 - HEALTH LIMITATIONS:

The District Health Officer may order changes in the location of water wells and in the methods, means, and manner of constructing water wells in order that the same shall not constitute a menace to the health of human beings or animals, or a detriment to ground water sources. The orders of the District Health Officer shall designate the period within which such changes are to be made.

Section 18 - INSPECTIONS:

The well site, location, material and methods used may be inspected by the District Health Officer at any time prior to or during construction or destruction of any well. The District Health Officer shall be informed when the work is completed and thereafter shall make a final inspection.

Section 19 - ABANDONMENT OF WELLS:

Upon determination that any well is abandoned as provided in the rules and regulations adopted pursuant to this Chapter, that well must be destroyed in the manner prescribed so that entrance of degraded or contaminated water into usable aquifers, or creation of a safety hazard, are minimized.

Section 20 - DESTRUCTION OF WELLS:

The District Health Officer is authorized, after reasonable efforts to eliminate pollution, contamination or a safety hazard, to enforce the permanent abandonment by destruction of any well that is polluted, contaminated or is so located as to become polluted or contaminated or is a safety hazard. The District Health Officer is authorized to destroy any such well and to recover the cost of the destruction from the owner of the property on which the well is located.

Section 21 - OUT OF SERVICE WELLS:

If the owner intends to cease use of a well for a period of six (6) months or more, he shall inform the District Health Officer. Such a well shall be protected from any source of contamination while the well is temporarily out of service. The owner shall maintain such a well as required in the rules and regulations adopted pursuant to this Chapter pertaining to "Out of Service Well."

RULES AND REGULATIONS, APPEALS

AND ENFORCEMENT

Section 22 - ADOPTION OF RULES AND REGULATIONS:

The Board of Trustees shall adopt, and may from time to time amend rules and regulations including, but not limited to, standards for

implementation of this Chapter. Such rules and regulations shall not be in conflict with this Chapter or with the laws of the State of California. The rules and regulations shall be adopted or amended only after the Board of Trustees has considered the matter at a public hearing at which all interested persons have been afforded the opportunity to urge or oppose adoption of the proposed rules and regulations.

Section 23 - APPEALS TO BOARD OF TRUSTEES:

Any person whose application for a permit, or for approval of a proposed action under this Chapter, has been denied by the District Health Officer, may within thirty (30) days after the date of such denial, appeal therefrom in writing to the Board of Trustees. Such appeal shall be heard by the Board of Trustees at its next regular meeting thereafter unless the appeal was filed within five (5) days of such meeting, in which event, it shall be heard at the next regular meeting subsequent thereto. The Board of Trustees shall uphold or reverse the denial of the application or of the approval sought and shall make such orders in connection with the matter as may be necessary to protect and preserve the public health.

Section 24 - APPEALS TO CITY COUNCIL:

If the appellant is dissatisfied with the decision of the Board of Trustees acting pursuant to Section 23, he may, within ten (10) days after that decision, appeal to the City Council. The appeal shall be in writing and filed with the City Clerk. Thereafter, the Council shall set the appeal for hearing. Notice of the hearing shall be given to the applicant not less than five (5) days prior to the hearing. At the hearing, any interested party may present oral or written evidence. Following the hearing, the Council shall render a decision on the appeal and may sustain, modify, or reverse any action of the Board of Trustees.

Section 25 - ENFORCEMENT BY DISTRICT HEALTH OFFICER:

The District Health Officer shall enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this Chapter and may perform all other acts necessary or proper to accomplish the purposes of this Chapter except insofar as the same pertains to wells owned and operated for the City of Lodi.

Section 26 - ENFORCEMENT BY THE STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH:

The California Department of Public Health Bureau of Sanitary Engineering shall enforce all needful orders, rules and regulations insofar as the same pertain to the wells owned and operated by the City of Lodi.

Section 27 - VIOLATION:

Any person who shall violate ~~or~~ fail to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not to exceed five hundred dollars ~~or~~ by imprisonment in the county jail for a term not to exceed six months ~~or~~ by both such fine and imprisonment. Every day any violation of this ordinance shall continue shall constitute a separate offense.

Section 28. ~~All~~ ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

Section 29. This ordinance shall be published one time in the "Lodi News-Sentinel, " a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 6th day of December, 1972.



EZRA M. EHRHARDT, Mayor



Attest: BESSIE L. BENNETT

City Clerk

State of California

County of San Joaquin, ss.

I, Bessie L. Bennett, City Clerk of the City of Lodi, do hereby certify that Ordinance No, 990 was introduced in a regular meeting of the City Council of the City of Lodi held November 15, 1972 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held December 6, 1972 by the following vote:

Ayes: Councilmen - HUGHES, KATNICH, PINKERTON,
SCHAFFER and EHRHARDT

Noes: Councilmen - None

Absent: Councilmen - None

I further certify that Ordinance No. 990 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

